

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:18-cr-21
)	
TEDDIA CALDWELL, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

This matter is before the court on the Motion to Continue Jury Trial [DE 223] filed by the defendant, Teddia Caldwell, on February 27, 2019, and the Unopposed Motion to Continue Trial Commencement [DE 245] filed by the defendant, Cornell Allen, on April 2, 2019.

The court vacated the Final Pretrial Conference on April 26, 2019. However, this matter is set for a jury trial on June 10, 2019. The defendant, Teddia Caldwell, has requested a continuance of the jury trial. Caldwell, along with codefendants, Devontae Martin, Taquan Clarke, and Devonte Hodge, are eligible for the death penalty. A death penalty authorization conference is scheduled for June 10, 2019, the day the trial is set to begin. Counsel for Caldwell represents that the decision of the Capital Review Unit will affect trial strategy, trial preparation, and the future course of this matter.

The defendant, Teddia Caldwell, has been advised and agrees to the continuance and that the delay in proceeding to trial occasioned by this continuance is excludable for purposes of the Speedy Trial Act. The Government does not object to the continuance. Although the motion does not indicate that all the codefendants have agreed to waive their rights under the Speedy

Trial Act, a reasonable period of delay is excludable under 18 U.S.C. § 3161(h)(6) when there are codefendants and no motion for severance has been granted.

Finding that the ends of justice served by granting such a continuance outweigh the best interest of the public and the defendants in a speedy trial, particularly where a failure to grant such a continuance would unreasonably deny the defendants the reasonable assistance of counsel and time necessary for effective preparation for trial, and taking into account the exercise of due diligence, the court hereby **GRANTS** the Motion to Continue Jury Trial [DE 223] and **DENIES** as **MOOT** the Unopposed Motion to Continue Trial Commencement [DE 245].

The period of delay resulting from this continuance is to be excluded under the terms of the Speedy Trial Act and 18 U.S.C. § 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv).

The court **VACATES** the current jury trial setting. The court **RESETS** the Final Pretrial Conference for **September 13, 2019 at 1:30 p.m. (CDT)**, before Magistrate Judge Andrew P. Rodovich, and the Jury Trial for **October 7, 2019 at 9:00 a.m. (CDT)**, before Chief Judge Theresa L. Springmann as to Teddia Caldwell, Victor Young, Cornell Allen, Devonte Hodge, Devontae Martin, Paronica Bonds, Demetrius Brinkley, and Taquan Clarke.

Trial counsel are **ORDERED** to submit pretrial filings on or before the Final Pretrial Conference and to appear in person for the Final Pretrial Conference.

The court **REMINDS** the parties that any plea agreement is to be filed with the District Court no later than five (5) working days before trial. Late pleas may result in the imposition of jury costs against the delaying party(ies) and/or counsel by the District Court.

ENTERED this 16th day of May, 2019.

/s/ Andrew P. Rodovich
United States Magistrate Judge